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DCI Unclassified Leak Presentation

The resources and the efforts we have devoted to improving our intelligence capabilities are being severely undermined by the security breakdown represented by unauthorized disclosures. While we have spent billions on collection and assessment, almost every method of intelligence and many of our sources have been endangered by leaks. Serious disclosures are published on an average of once a week.

We need to do something to alleviate this situation. Combatting unauthorized disclosures of classified intelligence is severely hampered by a lack of unity and resolve in the government's efforts. It is easy to get people to express alarm about the damage done to our intelligence efforts by leaks. It is much more difficult to get them to agree on action to deter unauthorized disclosures. Meanwhile, the reprehensible conduct of leakers jeopardizes our ability to learn the capabilities and intentions of a powerful and implacable adversary.

Let me make it plain that I believe in the importance to our nation of a free press. Journalists must be able to criticize wrongdoing in government. The government, on the other hand, must have the ability to maintain the secrecy of its legitimate secrets. Intelligence activities, by their nature, cannot fulfill their purpose under the spotlight of worldwide media attention. I do not believe that US journalists are any less patriotic than other Americans, although some seem more concerned with their rights and privileges than their responsibilities. I do believe that unless those of us

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who are entrusted with intelligence secrets become more scrupulous in fulfilling that trust, our freedom and that of future generations will be gravely imperiled.

Why is the publication of unauthorized disclosures of intelligence a serious problem? Because it damages the national security of the United States in several ways. First it tells our adversaries what we know about their strengths, weaknesses and intentions. It also tells them, directly or indirectly, how we collected the information and advertises the capabilities and vulnerabilities of our collection efforts. Second, it enables hostile nations to predict more effectively how we will respond to the intelligence we gather, tells them how they can stop our collection activities, and finally, it enables them to feed us disinformation through sources and methods we have every reason to trust and rely upon. Over the long term, this could lead to a disaster that would make the Pearl Harbor attack look like a picnic. Third, leaks lead to the loss of agents and the cooperation of intelligence services of friendly foreign countries. When I speak of the loss of agents, I don't necessarily mean the imprisonment or execution of brave people who take incredible risks to support freedom and democracy. Although such things regrettably do happen, our ability to gather vital intelligence is harmed when an agent decides cooperation with US intelligence is too risky, because everything we do seems to appear in the press. Or when another country's intelligence service decides to hold back important data because we don't seem capable of protecting it from unauthorized disclosure, the US intelligence effort is severely handicapped. Fourth, the economic cost of leaks to the US taxpayer can be staggering. As one intelligence operation after another has

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its usefulness destroyed by media publicity, we must provide new ways to learn what we must know about the capabilities and intentions of nations whose avowed historical intention is to destroy our system of government and our way of life. Developing human sources is a risky and expensive business. In terms of cost, the development of new technical collection capabilities to replace those which have been compromised and countermeasured is astronomical. The American people can ill afford to have our economy burdened with such unnecessary costs rising from unauthorized disclosures. And yet we cannot afford not to know what our adversaries are about. Fifth, such disclosures are a reprehensible breach of trust by persons who have signed written agreements to protect the classified intelligence entrusted to them. Finally, it undermines the credibility and viability of our entire security system. The drumbeat of disclosures makes it easy for the John Walkers among us to rationalize that they are simply selling for cash that which "officials who spoke on the condition they not be named" are giving away free.

So that you will not think I am engaging in groundless hand-wringing, let me review some trends in this dangerous practice of unauthorized disclosures of classified intelligence.

Recently, a study by my Security Committee determined that in the five-year period from FY 1979 through FY 1983, there were 285 verified first time publications in the news media of unauthorized disclosures of classified intelligence information. The study showed that the number of such publications is increasing, and that the time between production of intelligence reports and the media's publication of their content is decreasing.

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This means that more leaks are occurring and they are occurring with greater rapidity. The study showed that the number of journalists and the number of publishers and broadcasters who present classified intelligence material are increasing. The publication of classified intelligence is now virtually an accepted practice to some people.

The KGB must find it amusing that the US Intelligence Community seems so incapable of maintaining the discipline that is the sine qua non of an effective intelligence service. We work hard to learn what our Communist adversaries are up to; they read about our plans and activities in the newspapers. We obviously are doing something wrong, and nobody seems to care.

Anarchy is the most accurate term to describe the system covering the discussion of classified intelligence by government officials with journalists. Nobody seems to be in charge, and the casual use of classified intelligence to make a point in the press appears to be an established practice.

The President has said on more than one occasion that the disclosure of intelligence secrets is illegal, unethical and plain wrong. I might add that over the long-term it generally is counterproductive. To trade the betrayal of long-term, reliable intelligence collection activities for short-term media support of a particular point of view is not good business. Time frequently demonstrates that the point could have been made adequately, but less spectacularly, without divulging sensitive intelligence.

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In any event, decisions to disclose classified intelligence to the media in support of policy objectives should not be individual, uncoordinated judgments. In order for such determinations to be valid in the context of the national interest, they must weigh knowledgeably the instant policy objective against potential damage to sources and methods. This means that intelligence experts must have an opportunity, before the disclosure, to assess the risk and advise the speaker.

If we can sort out the leaks from the executive disclosures, we can then move on to trying to investigate the leaks. Data gathered during the study I mentioned earlier indicate that intelligence originated by CIA and NSA are most frequently leaked. The leaked intelligence, however, is disseminated throughout the Intelligence Community. I ensure that CIA's Director of Security vigorously investigates the most serious disclosures. But these efforts are futile if the actual disclosure was committed by another agency's employee.

Certain beliefs about leaks are widely held. One is that senior officials of the government regularly divulge classified intelligence in efforts to influence or impress the news media. Another is that nobody is ever punished for these unilateral illegal disclosures.

The first of those notions may be beyond my authority and capability. The second is not. I have taken drastic action against CIA employees and contractors who have revealed classified intelligence to unauthorized

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persons. These actions have included termination of employment, removal of security clearances, and referral to the Department of Justice for possible prosecution. It would be grossly unjust, as well as counterproductive, to raise the level of risk for CIA affiliates while those in the rest of the government continue to engage, without risk, in the disclosure to the media of classified intelligence information.

Even when we identify those who disclose classified intelligence without authorization, little can be done to penalize them. The existing laws were designed to prosecute spies and traitors. The legislators did not foresee a day when government employees would use classified information to enhance their own positions, to attack their opponents' posture, to curry favor with the press, or even to disrupt properly coordinated and approved intelligence activities by revealing them in the media.

The breach of trust committed by a leaker is simple and straightforward. He has chosen to disregard a clear responsibility and, for his own purposes, place the national interest at risk. Although disclosures to the media unmistakably convey classified information to foreign adversaries of the United States, many people claim the act is not espionage.

Yet the Espionage Act is the only legal remedy available in most cases of unauthorized disclosure. It is usually necessary to show that the perpetrator intended to aid a foreign power or damage the United States. He probably had no such intent, although his action could have had both results. Even more of a problem is posed by the necessity of showing, in open court,

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that the United States was damaged by the unauthorized disclosure, and how. The decision to forego prosecution is the usual result. There has only been one prosecution of a leak under the Espionage Act, through the 78-year history of the act.

Already, some segments of the media have criticized the conviction of Samuel Morison on the grounds that he was not a spy in the classic sense of working for a foreign intelligence service. The compromise of classified information, regardless of the reason, damages our security. Proposals to reduce the number of cleared people and to reduce the amount of classified information simply do not face the root of the problem. Those who are authorized to receive our secrets, regardless of the numbers of people or secrets, must behave responsibly. If everyone decides for himself which secrets he will keep and which secrets he will disclose, we have no security.

The age-old cry, "there ought to be a law," has never been more appropriate. The law that is needed is one that will criminalize the act of disclosing classified information to an unauthorized person. It would require authorized recipients of classified information to live up to their fiduciary responsibilities, or be penalized if they fail to do so. Such a law could not be construed in any way as infringing upon freedom of the press. Ideally, it would not require proof that the United States was damaged by the unauthorized disclosure. It would only be necessary to show that the defendant gave classified information to someone not authorized to receive it.

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We need to establish practical guidelines governing official contacts with the press to reduce the possibility of unauthorized disclosures of classified intelligence. This was directed by NSDD-84, but appears to have generated little response. The laissez faire approach to media relations affected by some departments and agencies does nothing to discourage individuals from discussing classified matters with journalists. Even a moderate requirement for closer control and reporting of media contacts should help serve notice that unilateral, uncoordinated disclosure of classified intelligence information is not to be tolerated.

It would be helpful if official statements to the press were attributed by name and/or official position. The frequent publication of unauthorized disclosures without specific attribution tends to encourage leakers.

Heightened awareness is needed throughout the government of the corrosive effect of unauthorized disclosures upon the ability of our government to be aware of the capabilities and intentions of those nations which oppose us philosophically, politically and militarily.

It is hard to demonstrate the damaging effect of leaks without divulging sensitive information. This makes it extremely difficult to take the case to the public. Unfortunately, the true story about leaks is not being told. Journalists label as a "coverup" any effort to maintain legitimate intelligence secrets.

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It is hard to believe that the American people are willing to continue to permit their safety and that of their children to be jeopardized because the government is impotent to stop its employees from illegally revealing classified information. The national security is ill served by allowing this practice to go unchecked. The official who has not violated his responsibility regarding classified information has nothing to fear from a polygraph examination. On the other hand, honorable men are not the only ones to proclaim their integrity and trustworthiness. Scoundrels find honor a convenient cloak for their activities as well. The truly honorable man should be willing to place his nation's safety above his own ego.

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